

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/539,549 Confirmation No. 7976
Applicant : Petrus Magnee *et al.*
Filed : June 16, 2005
TC/A.U. : 1792
Examiner : RAO, Nagesh G.

Docket No. : **BE02 0044 US1**
Customer No. : 65913

Title: : Method of Manufacturing a Semiconductor Device

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST TO WITHDRAW HOLDING OF ABANDONMENT

Sir:

In response to the Office Action of March 18, 2009, showing that the application had been abandoned in view of proper reply to the Office of a letter mailed on July 21, 2008, Applicant respectfully disagrees.

Applicant requests that the holding of abandonment be withdrawn and the application recommence examination.

Applicant reviewed the Letter of July 21, 2008. This letter indicated that Applicant's Petition to Revive was GRANTED on a Petition filed with the Office February 25, 2008. The Petition Grant indicated that a Change of Address had not been submitted. In response, Applicant submitted a Change of Address on July 24, 2008; the PAIR system had acknowledged the Change of Address. All correspondence is now directed to Customer Number 65913. Applicant believes responses due had been sent. Refer to attached copy of Decision Petition.

Applicant, prior to receiving Notice of Abandonment, was under impression that the file is in order and was awaiting Examiner review of the Amendment submitted on February 25, 2008.

Applicant notes in the paper states "Applicant's representative was contacted, and no response was provided and further verified by Office manager on 3/10/09. Therefore

application is considered abandoned at this time, signed /Robert M. Kunemund/, Primary Examiner, Art Unite 1792.” Refer to copy of Notice of Abandonment.

Applicant cannot ascertain the purpose of this communication and is of belief that the case is in order and should be moving forward. Applicant does not recall receiving any communication as asserted in the Notice of Abandonment. If Application were deficient, Applicant would have expected to receive written correspondence to which a proper reply could be made.

Therefore, Applicant earnestly requests that the Holding of Abandonment be withdrawn and the case permitted to move forward.

Applicant believes no fees are due in this matter. However, if fees are required, please charge any fees other than the issue fee and credit any overpayments to Deposit Account 50-4019.

Respectfully submitted,

Date: 28-MAY-2009

By: /Peter Zawilski/
Peter Zawilski, Reg. No. 43,305
(408) 474-9063

Correspondence Address:

Intellectual Property &
Licensing
NXP, B.V.
1109 McKay Drive; M/S-41SJ
San Jose, CA 95131 USA

CUSTOMER NO. 65913



UNITED STATES PATENT AND TRADEMARK OFFICE

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JUL 21 2008

NXP, B.V.
NXP INTELLECTUAL PROPERTY DEPARTMENT
M/S41-SJ
1109 MCKAY DRIVE
SAN JOSE, CA 95131

In re Application of :
Petrus Hubertus Cornelis Magnee et al :
Application No. 10/539,549 :
Filed: June 16, 2005 :
Attorney Docket No. BE02 0044 US1 :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed February 25, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed April 26, 2007, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on July 27, 2007.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 1792 for further processing.

Irvin Dingle
Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Crawford Maunu PLLC
1270 Northland Drive, Suite 390
St. Paul, MN 55120

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

CHANGE OF CORRESPONDENCE ADDRESS Application

Address to:
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	10/539549
Filing Date	06-16-2005
First Named Inventor	Petrus Hubertus Magnee
Art Unit	1792
Examiner Name	Rao, G Nagesh
Attorney Docket Number	BE02 0044 US1

Please change the Correspondence Address for the above-identified patent application to:

☒ The address associated with
Customer Number:

65913

OR

☐ Firm or
Individual Name

Address

City

State

Zip

Country

Telephone

Email

This form cannot be used to change the data associated with a Customer Number. To change the data associated with an existing Customer Number use "Request for Customer Number Data Change" (PTO/SB/124).

I am the:

- ☐ Applicant/Inventor
- ☒ Assignee of record of the entire interest.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).
- ☐ Attorney or agent of record. Registration Number _____
- ☐ Registered practitioner named in the application transmittal letter in an application without an executed oath or declaration. See 37 CFR 1.33(a)(1). Registration Number _____

Signature /Peter Zawilski/

Typed or Printed Name Peter S. Zawilski, Reg. No. 43,305

Date July 24, 2008

Telephone 408-474-9063

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☒ *Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner: NXP, B.V.Application No./Patent No.: 11/177851 Filed/Issue Date: 07-08-2005Entitled: Method and apparatus for code phase trackingNXP, B.V., a corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest
(The extent (by percentage) of its ownership interest is _____ %)

in the patent application/patent identified above by virtue of either:

A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 019719, Frame 0843, or for which a copy thereof is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

/Peter ZawilskiJul 11, 2008

Signature

Date

Peter S. Zawilski, Reg. No. 43,305(408) 474-9063

Printed or Typed Name

Telephone Number

Authorization Granted by Andrew White

Refer to Revocation of Power of Attorney Attached

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED

FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**REVOCATION OF POWER OF ATTORNEY
STATEMENT UNDER 37 C.F.R. § 3.73(b)
AND GRANT OF NEW POWER OF ATTORNEY**

The undersigned, a representative authorized to sign on behalf of the Assignee owning all of the interest in this patent application, hereby revokes all previous powers of attorney or authorization of agent granted in this application before the date of execution hereof.

The undersigned verifies that NXP B.V., High Tech Campus 60, 5656 AG Eindhoven, The Netherlands, is the Assignee of the entire right, title, and interest in the attached patent application by virtue of an assignment from the inventor(s) recorded in the U.S. Patent and Trademark Office at Reel 019719, Frame 0843.

The undersigned representative of the Assignee hereby grants its power of attorney to the patent practitioners associated with **NXP B.V., Customer Number 65913**, to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected therewith, including a request to change correspondence address and to request an express abandonment, a disclaimer, a power of attorney, or other document requiring the signature of the Assignee, and to receive the Letters Patent.

Signature:



Typed name of person signing: Andrew White

Title of person signing: IP Portfolio Manager

Date:

10th DECEMBER 2007

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,549	06/16/2005	Petrus Hubertus Magnee	BE02 0044 US1	7976
65913 7590 03/18/2009 NXP, B.V. NXP INTELLECTUAL PROPERTY DEPARTMENT M/S41-SJ 1109 MCKAY DRIVE SAN JOSE, CA 95131			EXAMINER RAO, G NAGESH	
			ART UNIT 1792	PAPER NUMBER
			NOTIFICATION DATE 03/18/2009	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ip.department.us@nxp.com

Notice of Abandonment

Application No.

10/539,549

Applicant(s)

MAGNEE ET AL.

Examiner

Art Unit

G. NAGESH RAO

1792

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 21 July 2008.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☒ The reason(s) below:

Applicant's representative was contacted, and no response was provided and further verified by Office manager on 3/10/09. Therefore application is considered abandoned at this time.

/G. Nagesh Rao/

/Robert M Kunemund/
Primary Examiner, Art Unit 1792

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.